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ABSTRACT

"Lack of discipline" heads the list of major school problems in annual polls on public education. Studies show a major factor distinguishing effective schools is an "orderly climate." The school board must have a firm discipline policy that reflects its goals and relates discipline to the total learning process. In establishing policies the school board should (1) set a general framework for a fair, firm, and consistent set of discipline procedures; (2) conform with school system policy and develop a plan with local administrators, students, teachers, and parent input; (3) provide inservice training for all school personnel that develops a team approach to discipline; (4) use a variety of creative strategies to deal with discipline problems (alternative classrooms and programs and schools, inschool suspension); and (5) consider ways to promote good behavior by accentuating the positive. (MD)

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Updating SCHOOL BOARD POLICIES
Volume 14/Number 8/September 1983

A component of the Educational Policies Service of the National School Boards Association provided to EPS subscribers and NSBA Direct Affiliates

Police your policies on student discipline

by Jim Huge

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Police your policies on student discipline

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There's never a bad or inappropriate time for your school board to review —carefully—its established discipline policies and procedures. A good example of how discipline, or classroom management, bugs the public is the fact that "lack of discipline" heads the list of major school problems in 13 out of the 14 annual Gallup polls on public education. Studies indicate, moreover, that one of the factors distinguishing effective schools from less effective schools is an "orderly climate." Then too, the many reports on public education being issued, such as that of the National Commission on Excellence in Education, cite discipline as a component of effective schools.

Foundation in policy

Underlying all discipline programs and strategies, however, must be a firm foundation of school board policy. Says the National Commission: "The burden on teachers for maintaining discipline should be reduced through the development of firm and fair codes of student conduct that are enforced consistently. . . ." Policy statements should reflect your board's goals and relate discipline to the total learning process.

The ultimate goal of any discipline policy or procedure should be for students to achieve self-responsibility and self-discipline. Defining the rights and responsibilities of students in policy is an essential step in the process. "Students have a responsibility not only to make a maximum effort toward academic achievement, but also must make an effort to behave properly in the classroom. This is possible for students only when academic and behavior expectations are made clear to them," says Anne Campbell, former Nebraska Commissioner of Education and a member of the National Commission.

Sometimes school boards find it easier to change policy and procedures to function as control mechanisms, rather than as guidelines, when severe discipline problems exist. A good check in these instances is to remember that effective schools have an orderly climate that allows students to pursue their educational goals without interference from other students; effective schools do not have an oppressive climate that keeps students from exercising self-discipline.

In establishing your policies, try not to spell out specific discipline procedures. Instead, set a general direction and the framework for a fair, firm, and consistent set of discipline procedures. The areas for which your board may want to establish specific procedures—such as a minimum punishment for possession of drugs or weapons on school property—should be few. Procedures should be developed with cooperation from administrators, teachers, and community members, as well as from the school system attorney who is to ensure they afford students due process, and conform with state and federal laws. Some state codes, for instance, indicate specific offenses for which students can be suspended.

When board policy is too specific it reduces the flexibility administrators and teachers must have to meet individual student needs. What is punishment for one student may be a reward for another. For example, if a rule states that every student caught smoking is suspended for three days, some students will be kept home by parent or guardian (a potentially positive learning experience) while other students will be allowed to roam free (ignoring the opportunity to learn self-discipline). In addition, flexibility reduces the chance that policies will conflict. If the attendance policy says a certain number of absences will result in a failing grade, then mandatory suspension may mean mandatory course failure for some students. That's plain silly.

Board policy should require that each school's specific discipline procedures conform with school system policy. A plan developed by local building administrators, teachers, students, and parents, however, makes it possible to achieve a common set of understandings and expectations regarding discipline in the school. Schools that develop such plans, and communicate them to parents and students, find they help prevent discipline problems and increase general support for discipline procedures.

Pittsburgh City schools involve students directly in seeking ways to improve school discipline. Says Curtis Walker, deputy superintendent of the 48,632-student system: "The involvement of secondary students in identifying causes of and remedies for school discipline problems has paid great dividends for the Pittsburgh schools." Walker meets monthly with four student representaties from each middle school, and separately with representatives from each high school, to develop monthly plans to deal with particular problems. For example, to deal with the constant vandalism taking place in its older school building, one school had its students paint murals on building walls. "The result is that the youngsters *own* the

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building, take more pride in it, and vandalism is reduced," says Walker.

Strengthening staff know-how

School systems should provide inservice training for all school personnel, including administrators, teachers, and aides, in the areas of discipline and classroom management to make possible a cohesive team approach. These programs should teach staff members how to prevent problems, how to use positive strategies, and how to deal with the more severe problems, such as continuous disruption, verbal abuse, and violence.

Evidence indicates that teachers who use punitive measures to discipline usually face increased inappropriate student behavior. But in those classrooms where established procedures are communicated effectively and are understood by both teacher and student, where appropriate behavior is rewarded, and where there are solid instructional goals and priorities, there is far less disruptive behavior.

Current literature about management in the private sector may be useful to educators. Recommended: two non-fiction best sellers, *The One Minute Manager* (by Blanchard and Johnson) and *In Search of Excellence* (by Peters and Waterman).

The principles involved in the former—one minute goal setting, one minute praise, and one minute reprimand—can be directly applied to classroom management. One minute goal setting, an understanding of what the purposes of rules and regulations are in a classroom, and one minute praise on the part of the teacher for those students behaving according to the rules can lead to the positive climate that helps prevent discipline problems from erupting. When discipline problems do occur, however, the concepts of one minute reprimand, namely telling students they have misbehaved but also including praise about their ability to behave better, can help the students learn to be more self-disciplined.

In Search of Excellence says that highly productive organizations (analogous to schools and classrooms) contain two elements for everyone involved. First, all those involved consider themselves part of a winning team—they know their success is part of the success of their unit. Second, each team member has the opportunity to shine in his own right to be a superstar within the classroom, and to receive praise for individual effort.

Policy into practice

School systems are using a variety of creative strategies to deal with discipline problems in a constructive manner. This is consistent with the National Commission recommendation that school systems should consider "alternative classrooms, programs, and schools to meet the needs of continually disruptive students."

The Littleton School District, with 17,203 students in Colorado, operates Saturday School as an alternative to suspension. "Saturday School is proving to be an excellent discipline alternative," says Gordon Brooks, assistant superintendent in instruction. "It has helped tremendously in reducing absenteeism, and the recidivism rate is exceedingly low in this program. One session in Saturday School and the student is less likely to be absent from school again." Parents choose between regular suspension and Saturday School and, according to Brooks, "parent cooperation, which is essential to the program, is excellent." A similar program is underway in several Florida school systems, including the St. Lucie County School District.

In-school suspension is another strategy increasingly being used by school systems. There are two basic reasons for the proliferation of this concept. It effectively coordinates discipline with learning, which results in community and parent support. Also, in those states where funding is based on average daily attendance, students assigned to in-school suspension centers usually can be counted in the ADA, resulting in no loss of funds.

While community support and money are crucial reasons for the expansion of in-school suspension programs, school systems have other valid causes for turning to the concept. For example, according to the Children's Defense League, school suspensions exceed one million annually; many students are suspended more than once. Those students are losing precious learning time when they are not in school, and that concerns educators and the community. Suspended students also may use their "free time" to get into further trouble.

In addition, many students misbehave because they are not successful in the classroom, perhaps due to limited learning ability or different learning style. Missing school causes them to be more frustrated with their school work, and can often cause behavior problems to perpetuate or increase.

Most in-school suspension programs work with students in two areas. First, students are helped to correct the specific behavior that caused the disciplinary action, while being deprived of opportunities for socialization with their peers. Instructors in the center work with students to develop acceptable behavior alternatives.

Second, students work on regular classroom assignments, as well as on strengthening their academic deficiencies. This aspect of the program, which enables students to catch up or stay abreast of class work, is cited by practitioners as the major reason for the success of in-school suspension programs in reducing the number of repeat discipline problems.

A critical aspect of in-school suspension, consequently, is its staffing. Those working in the center must be able to help students understand and improve their behavior, and also help students with their academic work; they must be counselors and teachers. Staff members must want to work with troublesome students, and also have the necessary skills.

It also is wise to provide a written plan for each student entering the

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program. The plan should include what is expected of the student, as well as what help and/or support will be available to the student when he or she returns to the classroom. In addition, a plan for evaluating the program should be developed. It could include such information as reductions in total number of suspensions, teacher and student perception of the program's effectiveness, and parent response to the program.

For in-school suspension to be most effective the entire school staff should be involved in developing program procedures. Specific guidelines should be established about who has the authority to assign a student to in-school suspension and for what offenses. Without staff support for all components of the program, such as providing daily individual student assignments, the program will decrease in its effectiveness. In addition, parents and students should be informed about the program at the beginning of each school year, including its purpose and the reasons and procedures for assigning a student to the center.

Other discipline approaches

In-school suspension, although successful, should not be considered the answer to all discipline problems. It is only *one* alternative, and will not work for every student or for every situation. Unfortunately, most other approaches, including suspension, expulsion, grade reduction, and corporal punishment, do not incorporate opportunities for learning self-discipline.

For example, although there is little research in the area of grade reduction as punishment, indications are that grading should be totally separate from disciplinary actions. The reason is simple. Students who have a sense of control over their academic achievement generally are more successful. If grades are tied to classroom behavior, the student's control over his schoolwork is diminished, which may result in decreased academic achievement and increased discipline problems. Also, teachers who allow behavior to affect grades may be indicating that they are not planning for effective instruction. There is evidence indicating that the real difference between successful and unsuccessful classroom managers lies in the planning that goes into effective instruction and the prevention of discipline problems.

In some circumstances, however, class participation is an important component of the grade. Such classes as physical education and drama, for example, depend on group cooperation and suffer from disruption. Behavior problems in science lab can result in accidents which may be harmful to others in the classroom or school building. But any policy that ties behavior to grades should be clearly defined for students in advance so they understand that good behavior, as well as misbehavior, will be counted in the grade.

The effectiveness of corporal punishment continues to be debated. Research basically says that corporal punishment has little if any long-range effect in terms of teaching students self-discipline. At best, it is a way to get their attention and control them at a point where that control is needed. But also, it is teaching students that physical force is an appropriate method for settling problems.

The decision to allow corporal punishment should be made by the board and stated in approved policy. But such a decision should reflect the community's values, and the opportunity for community members to voice their opinions should be provided.

Also, procedures for administering corporal punishment must be clearly defined and reviewed by the school attorney to reflect federal and state laws and court decisions. At a minimum, corporal punishment regulations should include that the punishment will be administered privately and in the presence of an adult witness. Written information regarding the use of corporal punishment should be sent to each parent or guardian to be signed and returned to the school before the punishment is carried out.

Promote the positive

Too often board policy speaks only to negative behaviors for which a minority of students are responsible rather than to the positive behavior exhibited by the majority. Administrative reports on the effectiveness of discipline policy tend to focus on the behavior problems. Unfortunately, the data in administrative reports is the kind of information on which the media usually bases its stories. For example, a newspaper story usually includes numbers of students suspended, or the increasing rate of truancy, instead of the greater numbers of students never suspended, or those with perfect attendance records. It is no wonder that the public perceives discipline to be the number one school problem.

Your board should consider methods for bringing to the attention of students and the community how students are demonstrating responsibility and self-discipline. Your administrators should include positive data in reports, seek publicity about the positive influences of the system's discipline programs, and especially find ways to publicly praise responsible students. This positive outlook should be incorporated into written board policy. In these ways school systems can use the power of positive thinking to influence attitudes and behavior. ■

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in *Horton v. Goose Creek Ind. School Dist.* (1982) that the use of dogs to sniff students is unreasonable when the dogs actually touch the students and no basis to suspect a particular student of possession exists.

Illegal search consequences

Evidence uncovered in illegal searches by government agents, including police officers, is generally not admissible in criminal or juvenile court proceedings; this is known as the exclusionary rule. Also, most courts maintain that evidence obtained in searches conducted in schools by school officials acting without reasonable suspicion is inadmissible because school officials, like police officers, are government agents.

There is case authority to the contrary, however, in some jurisdictions. For example, a New York Criminal Court held in *People v. Stewart* (1970), that a high school dean who found drugs by searching a student's pockets in response to a tip from a student informer was acting reasonably and as a private citizen, not as a government agent, for purposes of the exclusionary rule.

Persons who participate in or authorize unreasonable searches which violate the constitutional rights of students, including school officials, may be subject to civil liability. For this reason school officials should seek legal advice if they have serious doubts about whether there is a basis for a reasonable suspicion. ■

court view

Reasonableness is the key in drug searches

By Warren L. Kreunen

In order to combat drug problems in schools, courts generally give school officials greater freedom than police officers to conduct searches on school property. School officials may search students and their lockers, and are even permitted to use trained dogs to sniff for drugs in some cases, as long as there is "reasonable suspicion" that a student has a dangerous or illegal object or substance in his or her possession. But school officials should be aware of limitations on their right to conduct searches, and the consequences of unreasonable searches.

Constitutional guarantee

The Fourth Amendment of the U.S. Constitution guarantees that "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." In determining whether a search is reasonable, courts balance the individual's interest in freedom from governmental intrusion against the government's interest in making the search.

The U.S. Supreme Court, in *Katz v. U.S.* (1967), held that the Fourth Amendment protects people, not places, against unreasonable searches. This constitutional guarantee also may extend to places, however, if an individual reasonably believes that a place is private and not subject to searches.

Police searches

Police officers normally are required to obtain valid search warrants before conducting searches, except in certain carefully defined situations, such as: searches incident to valid arrests; searches in exigent circumstances with "probable cause" to believe that incriminating evidence will be discovered; and searches by consent.

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When police have a warrant to search school property, school officials must allow the search to take place and should cooperate with police. School officials, however, also should try to protect the rights of students. For example, they should ensure that the search is conducted in a manner which avoids unnecessary embarrassment or harassment of students. If police officers request a search without a warrant, school officials have the discretion to permit or to participate in the search. School officials' foremost consideration should be the protection of students, staff, and school property.

Reasonable suspicion test

Courts almost invariably apply a more lenient standard to searches taking place on school property by school officials. Instead of needing "probable cause" to conduct a search without a warrant, school officials are generally only required to be acting upon a "reasonable suspicion" that a student is in possession of something prohibited or illegal. The reason usually given for this lower standard is the strong public interest in education, which is promoted by the maintenance of a safe, orderly, and drug-free school environment.

The factors considered in determining whether a reasonable suspicion exists, as articulated by the Wisconsin Court of Appeals in *Interest of L.L. v. Washington Co. Cir. Ct.* (1979), include: (1) the student's age, history, and school record, (2) the magnitude of the problem in the school in which the search takes place (i.e., drug problem), (3) the circumstances requiring an immediate search, (4) the reliability of the information leading to the search, and (5) the school official's prior experience with the student.

Student lockers

Lockers are owned by schools and usually are not considered an area in which students may justifiably expect privacy. Courts in several jurisdictions, such as the California Court of Appeals in *In Re Donaldson* (1969), have held the view that a student's possession of a locker is exclusive only against other students; school officials have the right, and perhaps even the duty, to inspect lockers based on their quasi-parental relationship to students.

Because there is still some uncertainty in this area of the law though, it is advisable to officially state in school policy that lockers are school property and subject to periodic inspection and searches at the discretion of school officials. This policy should be disseminated to students in a student handbook or similar publication.

Searches by dogs

Federal courts in at least four jurisdictions have held that drug searches in schools involving the use of trained dogs to sniff students and lockers may be reasonable in certain situations. For instance, the 10th Circuit Court of Appeals, in *Zamora v. Pomeroy* (1981), held that there was no violation of a student's Fourth Amendment rights when school officials searched a student's locker after a trained narcotics detection dog indicated that the locker contained marijuana, even though no specific students were suspected of possessing drugs.

The courts impose limits, however, on the use of dogs to sniff for drugs in schools. According to the 7th Circuit Court of Appeals, *Doe v. Renfrow* (1979), the strip search of a student suspected of having marijuana based *solely* upon the response of a trained drug-detecting dog, which does not lead to the discovery of any drugs, is unreasonable. School officials later discovered that before coming to school the student had been playing with a pet dog which was in heat. Also, the 5th Circuit Court of Appeals held

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Tips 'n Techniques

Boards and community advisory committees: How to have a productive relationship

Tight budgets, declining enrollment, mandates for special education, responding to criticism of public schools. . . . These are some of the central issues facing school boards in the 1980s. But complicating the search for solutions to these problems, and others, is the increasing percentage of taxpayers with no children in school; it is estimated that four out of five voters nationwide don't have school-age children. In addition, more parents are educated and sophisticated enough to seek a voice in education decisions; many people believe democracy means citizens have a right to be actively involved rather than only represented.

Citizen advisory committees are one mechanism available to school systems to enhance the communication process between school and community. Especially today, educators and board members understand that community support of public education is essential if quality programs are to be sustained. They realize that such support is achievable by educating the community about goals and problems, and enlisting citizen assistance in finding solutions. When citizens comprehend the why and how of decisions, and are part of the process, a partnership between school and community can be built.

But how can school boards ensure that advisory committees will be productive, and not disruptive?

Roles of advisory committees

Reasons are many and varied for establishing citizen advisory committees. Most districts have such committees because federally funded programs urge or require that citizens participate in making decisions related to these programs. Committees also are established to meet state legislation requirements and court orders.

In addition, local needs frequently result in the creation of advisory committees. Many school systems use ad hoc committees to deal with specific issues, such as school closings. They also are valuable to study topics with which the board and staff may be unfamiliar, such as educational technology.

Another form of advisory committee is the standing committee, which usually is concerned with broader topics of ongoing concern such as long-term goals and planning. The Finneytown Local School District in Cincinnati, a K-12 system of approximately 2,500 students, is exploring establishment of a standing advisory committee. According to William E. Spreen, Finneytown superintendent, the "planning commission" will respond to the system's "constant concern about maintaining the quality of the education program in the context of declining enrollment."

The Finneytown school system currently uses ad hoc committees. Spreen envisions the standing committee absorbing many of the functions of ad hoc committees. "The standing committee can function as a whole, break into subcommittees to study particular issues, or recommend to the board that it establish ad hoc committees," says Spreen.

Effectiveness through policy

To gain insight into the pitfalls of standing advisory committees, as well as their value, the Finneytown board and superintendent are researching how such committees operate in other communities. The research includes studying background materials provided by the EPS/NSBA Policy Information Clearinghouse, a service available to NSBA Direct Affiliates and subscribers to the Educational Policies Service. Knowing the intricacies of working with advisory committees helps school systems develop a comprehensive policy to support the program and ensure its effectiveness.

Whether you establish mandated, ad hoc, and/or standing citizen advisory committees it is important to state in policy what purpose they serve, how they will function, their relationship to the board and school system staff, and lines of authority. A well-written policy states that these committees serve in an *advisory* capacity, are established by the board for specific purposes, and that final authority rests with the board.

Policy also should recognize that staff support is necessary in most circumstances to ensure that committee members have sufficient knowledge to deal with a particular issue. In addition, staff can point out sensitive areas of concern to school employees, and also make sure that all sides of an issue are considered.

The board's responsibility

In approving a comprehensive policy on advisory committees, board members should understand what their role is in committee operations. In addition to establishing particular committees, boards delineate the role, scope, and time frame of the committees. They also appoint members, recognizing that community representation should be as broad as necessary to study a particular subject. Finally, boards are responsible for responding promptly to committee recommendations. Reports left to gather dust demonstrate to citizen members a school system's lack of real commitment to community involvement.

Constructive approaches developed with broad community support have a better chance of being smoothly implemented than do school board mandates. "The committee process makes a difficult situation easier to resolve without disrupting the community," says Superintendent Spreen. If school board and staff are committed to community involvement in decision making, and sound policy contributes to the effectiveness of committees, schools and community can enjoy a healthy partnership. ■

Policy Adviser

What scholastic and conduct requirements generally are included in a policy on student eligibility to participate in interscholastic athletics or extracurricular activities?—*Director of Employee Relations, Washington.*

Most states have secondary school activities and/or athletic associations whose rules set minimum standards for participation in interscholastic activities. These include age, grade level, and residency requirements, but may also include conduct, number of years enrolled, and training rules. If your school system is a member of your state's activities association, these rules should be reviewed before a policy statement is developed.

School systems are setting tougher scholastic requirements for students participating in interscholastic activities, particularly for those in athletics. For instance, in the Plainfield (N.J.) Public Schools, students must maintain a grade point average of "C" or above in all subjects to remain eligible for participation. In some school systems, less stringent requirements persist: if students fail one or more subjects they become ineligible to participate for one grading period, typically nine weeks. In still other schools, students receive an initial warning at the end of the first grading period prior to being declared ineligible to participate after the second grading period. Most school systems also require students who participate in interscholastic activities to pursue a minimum number of academic credits—from three to five—toward graduation.

Students participating in interscholastic programs are expected to comply with all board policies relating to student conduct, including those forbidding the use of alcoholic beverages and illegal drugs. Any infraction of these policies may result in suspension from the activity by the principal. Before any student is suspended or declared ineligible, it is desirable (although not legally mandatory) for the parents to receive written notification and for students to be afforded an appeal of the determination. ■

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Sample policies and [illegible] relating to the topics covered in this [illegible] Advisory Committees for Advisory Committees to the Board, [illegible] Advisory Committees to the Board System, Student Discipline, Student Rights and Responsibilities, [illegible] Student Conduct, [illegible] Student Suspension, Drug Searches, Interrogations and Searches.

Additional sample policies, regulations, or exhibits on these and other topics may be requested from the EPS Policy Information Clearinghouse, NSBA, 1055 Thomas Jefferson St., N.W., Washington, D.C. 20007.

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